

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **YOSHIKATA, Kuniaki, et al.**

Group Art Unit: **1726**

Serial No.: **10/561,789**

Examiner: **WEINER, Laura S.**

Filed: **March 15, 2007**

P.T.O. Confirmation No.: 4346

For. **SOLID OXIDE FUEL CELL**

DECLARATION UNDER 37 CFR 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

I, Kuniaki YOSHIKATA, a citizen of Japan, hereby declare and state:

1. I am one of the three inventors of the present application, as shown on the Declaration for Patent (Kuniaka YOSHIKATA, Hirotooshi SAKAMOTO and Koichi MIKAMI).
2. I have read the Office action dated January 24, 2011, in this application, and am aware of the rejection of claims 13, 14 and 19 under 35 U.S.C. 102(e) over Yoshikata (U.S. Patent No. 7,517,601).
3. I am one of the three inventors of U.S. Patent No. 7,517,601 (Kuniaka YOSHIKATA, Hirotooshi SAKAMOTO and Koichi MIKAMI).
4. The three inventors of U.S. Patent No. 7,517,601 are the same persons as the three inventors of the present application.
5. Therefore, in accordance with MPEP 706.01 and 716.10, I declare that the present inventors invented the subject matter of U.S. Patent No. 7,517,601, and this cited reference is not an invention "by another" and cannot be prior art under 35 U.S.C. 102(e) for the present

application.

The undersigned declares that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under ' 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed this 17th day of March, 2011

Kuniaki Yoshikata
[Kuniaki YOSHIKATA]